

**MINUTES - U.S. DISTRICT COURT
DISTRICT OF SOUTH DAKOTA - CENTRAL DIVISION**

JUDGE: Mark A. Moreno
CASE NO: 3:18-CR-30061-RAL
Courtroom Deputy: DLC
Probation Officer: Melisa Forest

Recorded by: FTR - Bankruptcy
Date: November 27, 2018

Case:
UNITED STATES OF AMERICA,
Plaintiff,
-vs-
WAYLON YOUNG BIRD,
Defendant.

Attorneys:

Meghan N. Dilges

Katie J. Hruska

Defendant to appear telephonically

COUNTS: Conspiracy to Distribute a Controlled Substance and Possession with Intent to Distribute a Controlled Substance

MAXIMUM POSSIBLE PENALTY: Count I: Mandatory minimum of 10 years up to life in custody; \$10,000,000 fine, or both; mandatory minimum of 5 years supervised release; violation of condition of release could result in 3 years additional incarceration on any such revocation; \$100 assessment; restitution

If Defendant has a prior conviction for a felony drug offense, Defendant shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and at least 10 years of supervised release

Count II: 20 years custody; \$1,000,000 fine, or both; 3 years supervised release; violation of condition of release could result in 2 years additional incarceration on any such revocation; \$100 assessment; restitution

If Defendant has a prior conviction for a felony drug offense, Defendant shall be sentenced to a term of imprisonment for 30 years and 6 years of supervised release

Defendant's Age: 49 **Level of Education: GED + Trade School Education**

Hearing Set @ 1:15 p.m. **Hearing Begun @ 1:37 p.m.**

BOND REVOCATION HEARING (mins.)

Enter further proceedings on the Second Report of Apparent Violations of Pretrial Release Conditions and as a follow up to the Court's prior hearing held in this case on November 15, 2018.

In the last half an hour or so there were at last 10 attempts made to reach Mr. Young Bird by telephone all of which were unsuccessful.

Ms. Hruska informs the Court that she had spoken with her client just prior to this hearing and he was aware of the hearing and was to be prepared to take the call so she does not know why her client isn't answering.

Ms. Dilges addresses the Court as to the reasons she requested this hearing.

Ms. Dilges requests the Defendant be ordered to self-report to the jail in Burleigh County to be in the custody of the United States Marshal Service. The Government would be open to furloughs so he can continue his dialysis treatments.

Ms. Hruska responds on behalf of the Defendant.

The issue before the Court at this time is whether Mr. Young Bird should be allowed continued interim release pending the revocation hearing or should he be ordered detained pending the holding of the revocation hearing or further order of this Court or another Court.

Ms. Dilges states the Government's position is that the Defendant should self-surrender to the United States Marshal Service in Bismarck and be detained pending the bond revocation hearing. The Government would not object to furloughs for dialysis and for further proceedings in Pierre.

Ms. Hruska states the defense would be agreeable with the furloughs if that is the direction the Court is going.

The Court orders the Defendant turn himself in to the Burleigh County Jail in Bismarck, North Dakota, on or before 5:00 p.m. today. If he has not done so, it will be the further order of the Court that a warrant be forthwith issued and that he held in custody, whether he turns himself in or is arrested by a warrant, until further order of the Court and pending further proceedings. The Defendant will be allowed to be released on a furlough basis to attend dialysis treatment in Bismarck and to appear personally for proceedings in Pierre before this Court. The Court will schedule proceedings before it to accommodate Mr. Young Bird's dialysis treatment schedule in Bismarck.

Hearing Ended @ 1:55 p.m.

Reported in Court Time: 18 mins.